IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 534 OF 2006

Shri Jayant Kashiram Kalekar.] .. Petitioner

Versus

1. Mahanagar Telephone Nigam Ltd. & anr] .. Respondents

Mr. N.M. Ganguli for the petitioner.

Mr. U.S. Masurkar with Ms. N.V. Masurkar for the respondent No.1.

Mr. A.C. Singh for the respondent No.2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATED: 16TH MARCH, 2006

P.C. :

. The petitioner who was employed with respondent No.1, a Public Sector Undertaking and was chargesheeted for various acts of misconduct. The Enquiry Officer submitted his report. Some of the charges against the petitioner were his detention under NSA, his involvement in cases under Section 302 and other offences as also absenteeism. On submission of the report the competent authority, after following the procedure, was pleased to impose the punishment of dismissal on the petitioner by his order dated 29th

August, 1996. It may be mentioned that petitioner has subsequently been acquitted of the charges. A perusal of the said judgment, which forms part of the record, would indicate that this was not a clean acquittal. In fact, paragraph 13 would demonstrate that PW2 retracted from his earlier statement. The petitioner preferred an Appeal. The Appellate Authority, by order of 11th December, 1997, was pleased to dismiss the Appeal and confirm the order of dismissal imposed on the petitioner herein. A Revision was also preferred which was dealt with exhaustively and dismissed by the Revisional Authority by order dated 23rd August, 2001.

2. The petitioner preferred O.A. No.1009 of 1997. That came to be dismissed by order dated 12th October, 2001. One of the grounds which impressed the Tribunal was that the petitioner having not challenged the order of the Appellate Authority.

3. The present Petition has been filed after nearly four years. Petitioner has sought to explain the same in paragraph 25 of the Petition.

4. After having considered the nature of the charge and the findings recorded and the petitioner having been employed in a Public Sector Undertaking, we

are of the view that this would not be a fit case where this Court should exercise its extra ordinary jurisdiction. Apart from that, delay of four years to approach this Court would be another factor.

5. For all the aforesaid reasons, no interference is called for. Petition dismissed.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]